

June 2000 Questions and Answers

Case Completion/HH Composition

SITUATION:

The FSHH has a 19-year-old mother and her 3 children. Per the client, the HH lived with her mother (the children's grandmother) in the review month. The case containing the mother of the 19-year-old was sampled in the following month. A comparison of information in the two cases showed that the 19-year-old had forged her mother's signature on the statement indicating that the members of both cases had lived together. The mother stated that the 19-year-old daughter moved out some time prior to the sample month.

QUESTION:

How do we handle this situation?

ANSWER:

Per Section 442.2 A of the FNS Handbook 310, drop as code 4 (refusal to cooperate). "In certain circumstances, the household may demonstrate that it is unwilling to cooperate . . . after having been given every reasonable opportunity to do so, even though the household or its members do not state that the household refuses to cooperate." Household actions (such as forging a signature) to intentionally impede the completion of the review shows its refusal to cooperate.

SITUATION:

This is a March review. The household reported on its January CA-7 the birth of a newborn. No action was taken AORD. (The CA-7 was received February 15.) Manual Section (M.S.) 63-504.353 allows 30 days to add the person effective the first of the following month.

QUESTION:

Is this a citable error or is there no error because the county had until after the review date (the 30 days) to add the new member?

ANSWER:

Per FNS Handbook 310 Section 723.2 C, "if the addition of a new household member in the processing month . . . is reported on the monthly report received in the processing month, the State Agency (County) is required to effect the change in the issuance month (the sample month.)" Since no action was taken by the county to add the child during the issuance month, an underissuance error is to be cited.

Voluntary Quit

SITUATION:

This is a Fresno County case in which the cycle starts on the 25th. The review month is March. Dad quit his job on February 17, came home on February 22, and filed to be added to the AU/HH on February 23. On March 14, EDD provided verification that there was no good cause for the voluntary quit. On March 25, benefits were issued with the father included in the household. On March 27, the father started employment comparable to his previous job.

QUESTION:

Should the acceptance of employment be factored in (sanction cured) or should the father have been work sanctioned and not added to the Food Stamp household?

ANSWER:

Per FNS Handbook 310 section 850.5, the father was disqualified AORD, so should not have been included in the FSHH.

Refusal to Cooperate

SITUATION:

The household responded to the home visit letter by calling back and leaving a taped message that it did not and would not have time to keep the appointment for the interview because of work and community service activities. The reviewer called the employer in an effort to schedule the interview but the employer would not allow the client to speak to the reviewer so messages were left. (There is no indication that the client either received or did not receive these messages.) The client has been advised by letter (information contained in the original home visit letter) of the consequences for non-cooperation. In addition, a certified letter was sent to the household, but the receipt has not been received from the Post Office.

QUESTION:

Has the household refused to cooperate?

ANSWER:

Since the client has stated she will never have time to speak to the reviewer and as she is aware of the consequences of not completing the review, per Section 442.2 A of the FNS-310, she can be considered to have refused to cooperate because "an outright refusal to talk to the reviewer is an example (of refusal).

Unearned Income

SITUATION:

The PA case contains the father, mother, and 3 children. One of the children is an MFG child. The AU receives a CalWORKs grant of \$710, which is the amount paid to AU of four.

QUESTION:

For FS budgeting, should we use the MAP for 5, including the MFG child?

ANSWER:

No. Per M.S. 63-503.232©, use the CalWORKs income that was actually received by the household.

In-Kind Income

SITUATION:

Per client's statement at the home visit, she works for the apartment owner full time, so is credited with the entire \$750 per month rent. The household manager verified that the client receives this credit each month, so has no out-of-pocket shelter expense.

QUESTION:

Should this money be counted as income and is the household entitled to the shelter deduction? (County Program staff contend that the rental obligation entitles the household to the deduction.)

ANSWER:

Per Ernie Villalobos, FS Bureau, 6-15-00, since no income is spent by the household for shelter costs, it is not entitled to the shelter deduction.

Shelter Cost

SITUATION:

The household rental obligation is \$550. An aunt, who does not live in the residence, pays \$150 directly to the landlord.

QUESTION:

Is the household entitled to the entire \$550 rent as its shelter deduction? How is the aunt's contribution treated?

ANSWER:

The \$150 contribution is an excluded vendor payment and not counted as income per M.S. 63-502.2(b). Per Ernie Villalobos, FS Bureau, 6-28-00, allow \$400 as the household's shelter cost as this is what the household actually pays.

Shelter/SUA Proration

SITUATION:

The residence contains an undocumented noncitizen contributor parent, 2 children and one parent's undocumented adult brother (separate household) with no income.

QUESTION:

Is he counted as a contributor and in the proration?

ANSWER:

He is not counted in the proration of the household's share because he is a separate household.

Allotment Amount

SITUATION:

Secondary review for April 2000. The pre-populated Q5 items covering ATP number, effective date and allotment amount contain data related to the first of the three allotments that were issued simultaneously to provide benefits for February-April beginning months.

QUESTION:

How do we review the case since all 3 were authorized in the sample month? Do we change the pre-populated allotment information? Can we review to one month using the allotment for another month?

ANSWER:

Change the pre-populated data items to reflect the ATP authorized for the sample month. Per FNS-310 Section 232 E, retroactive benefits for prior months are not considered so you would ignore the other two allotments.

Most Recent Action and Opening

SITUATION:

Application dated 8-27-9 for CalWORKs and FS. On 9-14, client requested CalWORKs be terminated. The Eligibility Worker treated this as a new FS application and readjusted the certification period accordingly.

QUESTION:

When completing Q5 items 010-0001 (Most Recent Opening) and 010-0003 (Most Recent Action), do we use the data from the original certification for both programs or from the date of the change?

ANSWER:

Since the change in case type from PA to NA is not a new application, use the information related to the original 8-27-99 application.

Case Reviewability

SITUATION: A food stamp case with a review number beginning with a "2" (Federal Primary Active) is sampled, and all the household members are correctly CFAP participants.

QUESTION:

Is this a reviewable case?

ANSWER:

No. The case is not subject to review because no Federal benefits were issued.

SITUATION:

In a secondary review, the effective month is March and the sample month is April. This is an expedited service case so there has been no prior assistance.

QUESTION:

Is the case reviewable and, if so, must a home visit be done?

ANSWER:

Per Task Force memo dated 2-9-99, the case is reviewable. Per FNS Handbook 310 section 753 and Greg Burts of FNS, since the household's identity was verified as correct and any errors related to other review elements are excluded, there is no need to do a home visit. NOTE: This issue was discussed some time ago when Greg was the FNS QC representative. Since there has not been any revisions to QC review requirements relative to expedited service cases, the above interpretation is still applicable.

Sanctions/Income

SITUATION:

PA case with both parents work sanctioned by both programs.

QUESTION:

What amount of CalWORKs should be budgeted? Do we use the amount the remaining household members received or do we add the parents back into the MAP for noncompliance with another means-tested program?

ANSWER:

Per ACINs I-62-96 and I-34-99, use the higher grant amount (as if they were still in the AU) IF they have not been terminated from the CalWORKs program. If they have been terminated from CalWORKs, the failure-to-comply rules do NOT apply and you would use the actual grant amount that was received by the household.

Likely Conclusion

SITUATION:

This is a March review with the application dated 2-28. IEVS shows that the client is employed. Per the application and other case record documentation, the client entered a Salvation Army adult alcohol rehabilitation program 2-22. The verification shows that participation in this program is 40 hours per week.

QUESTION:

Even though the IEVS shows employment, can we make the likely conclusion that he/she is no longer employed and exempt because of rehabilitation program participation?

ANSWER:

In this instance, the reviewer need not use the “likely conclusion” concept because there is case record verification that the client is in the program. (Remember that there is a lag time with IEVS.) Per M.S. 63-407.2(f), the recipient is exempt from work participation requirements because of regular participation in the treatment program. NOTE: The question does not indicate how the client was able to start participating in the program on 2-22 and file the FS application on 2-28. The possible discrepancy in dates (how did the client have time in the 40-hours-per-week program to do the application process?) is not relevant to this inquiry and response.

Failure to Act vs. Saldivar

SITUATION:

The EW received the timely CA-7 for the budget month in the processing month. No action was taken on the reported information until around the 23rd of the processing month. Transmittal 99-09 states that Saldivar-related actions are to be ignored if the court case requirements were applied incorrectly, as they were in this instance. (There should have been a decrease in benefits so, if this was actually a Saldivar case, benefits would have been frozen for the issuance month.)

QUESTION:

If we follow the transmittal instructions, the failure-to-act error disappears because we accept that the worker could not act on the 23rd because of Saldivar. Is this correct?

ANSWER:

No. Per FNS Handbook 310 section 723.2 B, the overissuance error is to be included because the variance is the result of the agency's failure to effect a change reported on the monthly report for the budget month. Saldivar is not applicable because the worker received the CA-7 in time to make the appropriate changes.

Not Subject To Review/Code 2

SITUATION:

The household is a homeless GR recipient who uses the CWD district office as his/her mailing address. The home visit letter was sent to the district office. When the household did not make the scheduled appointment, the reviewer contacted the EW, who said he/she would suspend benefits, which might result in the recipient coming to the district office to find out why his/her benefits were not issued. (Benefits are not issued from the district office.) At that time, the county staff would hand him the home visit appointment letter.

QUESTION:

How should the case be processed if this does not work? There is no point in sending a certified letter to the district office.

ANSWER:

Per Transmittal 99-04 and FNS Handbook 310 section 442.1 B, contact at least two sources such as DMV or homeless shelters. Document the responses from these sources, along with evidence that the household actually existed. You can then code the case as NSTR (code 2) in Q5 item 010-0010 (Disposition Code).

Household Composition/Coding

SITUATION:

A person in a food stamp case has been improperly included in the food stamp household.

QUESTION:

How do we code Q5 item 150-0001 (Person Included in FSHH) when? How do we code him/her in terms of FS case affiliation?

ANSWER:

Since Q5 item 150-0008 asks if the person was properly included or excluded, you would code "Person Included in FSHH" Yes and "Properly Included/Excluded" No. In item 150-0020 (FS Case Affiliation 1), use code 1 (Member of FSHH Under Review) as this reflects budget month circumstances. NOTE: Per the Food Stamp Program Quality Control Coding Manual, information for this item should be based on budget month data for monthly reporting/retrospectively budgeted households. Code item 150-0021 (FS Case Affiliation 2) based upon the receipt of other program benefits in the budget month.

Budgeting Supplements

SITUATION: This is a March review, and the county authorized two CalWORKs supplemental payments on 3-23, one for February and one for March. We know that the one for February is not counted because it is a restored benefit (FNS Handbook 310 section 232 D).

QUESTION:
What about the March supplement?

ANSWER:
Per Section 233 D, count the supplement as it was authorized for the review month on a day before the case was sampled.

Private Industry Council Payments

SITUATION:
The county diverted the household's \$626 CalWORKs grant to the Private Industry Council (PIC) which then paid the household member \$726 in wages. The regulations at M.S. 63-502.2(b)(3) state that all or part of an AFDC (now CalWORKs) grant which would normally be provided as a money payment but diverted to third parties shall be considered income to the household.

QUESTION:
Per this regulation, do we count both the \$626 diverted grant and \$726 wages as income to the household?

ANSWER:
No. Per Ernie Villalobos, FS Bureau, 6-26-00: "FNS informed us to count the income once not twice as it views PIC as an agent of the county authorized to pay the FS household. Therefore, county CalWORKs cash benefits diverted to and paid by PIC to the FS household are counted only once, when received from PIC."